

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

LEON WILBURN JR.,
(TDCJ No. 1175812)

V.

STATE OF TEXAS

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CIVIL ACTION NO. 4:06-CV-524-Y

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action for a petition for writ of mandamus brought by Leon Wilburn Jr., the Court has made an independent review of the following matters in the above-styled and numbered cause:

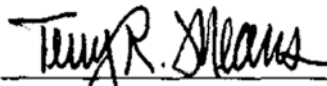
1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 21, 2006; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on September 11, 2006.

The Court, after de novo review, concludes that Leon Wilburn Jr.'s objections must be overruled, and that the petition for writ of mandamus should be dismissed as frivolous under 28 U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendations of the magistrate judge are ADOPTED.

Leon Wilburn Jr.'s petition for writ of mandamus is DISMISSED WITH PREJUDICE under authority of 28 U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

SIGNED September 19, 2006.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE